

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s).160/2024

NITIN LALI &amp; ORS.

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

(FOR ADMISSION and IA No.45146/2024-EXEMPTION FROM FILING O.T.)

WITH

W.P.(C) No. 280/2024 (X)

(FOR ADMISSION and IA No.104147/2024-EXEMPTION FROM FILING O.T.)

Date : 22-07-2024 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SURYA KANT  
HON'BLE MR. JUSTICE UJJAL BHUYANFor Petitioner(s) Ms. Asha Gopalan Nair, AOR  
Ms. Nivedita Nair, Adv.  
Mr. Arun Gopalan Nair, Adv.  
Ms. Surabhi Singh, Adv.Ms. Smita Maan, AOR  
Mr. Vishal Maan, Adv.  
Mr. Aditya Singh, Adv.  
Mr. Kartik Dabas, Adv.  
Mr. Naresh Maan, Adv.  
Ms. Shweta Chaudhary, Adv.  
Ms. Tanu Mishra, Adv.For Respondent(s) Mr. K.M Nataraj, A.S.G.  
Mr. Kanu Agrawal, Adv.  
Mr. Shailesh Madiyal, Adv.  
Mrs. Aarushi Singh, Adv.  
Mr. Adarsh Kumar Pandey, Adv.  
Mr. Amrish Kumar, AOR

Dr. Monika Gusain, AOR

Dr. Hemant Gupta, A.A.G.  
Mr. Samar Vijay Singh, AOR  
Ms. Payal Gupta, Adv.  
Mr. Shivang Jain, Adv.  
Ms. Monica Anand Kumar, Adv.  
Ms. Nitikaa Guptha, Adv.

Ms. Sabarni Som, Adv.  
Mr. Pankaj Kumar, Adv.  
Mr. Sidharth Arora, Adv.  
Mr. Vaibhav Tiwari, Adv.  
Mr. Aman Dev Sharma, Adv.  
Mr. Fateh Singh, Adv.

Mr. Annam Venkatesh, Adv.  
Mr. Zoheb Hussain, Adv.  
Mr. Arkaj Kumar, Adv.  
Mr. Arvind Kumar Sharma, AOR

UPON hearing the counsel the Court made the following  
O R D E R

1. We have gone through the short affidavit filed by Haryana Real Estate Regulatory Authority and the status report filed by the Directorate of Enforcement. Before addressing the plight of the petitioners and other home buyers in the projects launched by respondent no.6 - Builder-cum-Developer, we deem it appropriate to direct the Principal Secretary, Department of Town and Country Planning, Government of Haryana to file an affidavit with full, descriptive answers to the following:

(i) How many licenses have been granted for Affordable Housing Scheme(s) in the State of Haryana, including the National Capital Region during last 10 years?

(ii) What was the estimated cost of each project, at the time when they were launched?

(iii) Was there any tripartite or other agreement between the builder-cum-developer, home buyers, and the banks/financial institutions? If so, what were the salient features of such agreement?

(iv) Whether or not the original drawings of each project were approved by the Town and Country Planning Department? If so, how

many times have the licenses or the approved drawings been amended, modified, substituted, or replaced after such approval?

(v) How many projects have been completed so far and how many home buyers have been delivered actual physical possession of the dwelling units under these projects?

(vi) What is the dedicated machinery set up by the State to monitor the periodical progress of these projects, to test the quality of the construction, and to determine the cost ratio with the quality and total area of the constructions?

(vii) In cases where the project proponents/promoter companies were found deficient, what action has been taken against them (details of all such actions shall be separately furnished in an appendix to the affidavit)?

(viii) What was the original allotment price when the affordable housing projects were launched and what is the allotment price that has been charged from the home buyers on completion of the projects?

(ix) What is the current revised allotment price being charged to the allottees in respect of the incomplete projects?

(x) Whether any bank guarantees were obtained from the promoter companies/project proponents and if so, whether the genuineness of such bank guarantees was ascertained before the grant of licenses?

(xi) Whether those bank guarantees have been allowed to expire or whether their renewal was timely secured? If not, who are the officers in the Department responsible for such lapse and whether any action has been taken against them?

(xii) Whether any penal action under the appropriate provisions of

law has been initiated against the builder-cum-developers/promoter companies, whose bank guarantees have not been found to be genuine and/or highly inadequate for the purpose of securing the interest of the home buyers? If so, the details of such cases and the status of the pending trials must also be furnished.

2. Four weeks' time is granted to file the affidavit.

3. On perusal of the status report filed by the Directorate of Enforcement, we direct them to file a further affidavit to explain whether the Directorate has registered ECIR in other similar cases of such like builders-cum-developers/promoter companies? Where FIRs regarding offences under Sections 406, 420, 467, 468, and 471 of the Indian Penal Code, 1860 etc. have been registered at the instance of the home buyers/State or the financial institutions, whether ECIR have been registered in all such cases? If so, let details of all the ECIR be furnished.

4. Post the matters on 27.09.2024.

(ARJUN BISHT)  
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)  
ASSISTANT REGISTRAR